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PATENT
Attorney Docket No.: SP01-243

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Bookbinder, Dana C et al.
Serial No: 09/941383
Filing Date: 08/28/2001
Title: FURNACE ASSEMBLY FOR
HEATING AN OPTICAL
WAVEGUIDE PREFORM

Examiner: Hoffman, John M
Group Art Unit: 1731

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P.O. Box 1450
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BRIEF ON APPEAL

This Brief supports the appeal to the Board of Patent Appeals and Interferences from the final rejection dated January 19, 2005, in the application listed above. Appellant filed the Notice of Appeal on May 4, 2005. Appellant now submits this Brief as required by 37 C.F.R. § 41.37.

I. REAL PARTY IN INTEREST

The real party in interest in this appeal is Corning Incorporated.

II. RELATED APPEALS AND INTERFERENCES

With respect to the related appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal, there are no such appeals or interferences.

III. STATUS OF CLAIMS

On May 4, 2005 appellant appealed from the final rejections of claims 1-12, 38-43, 47, and 48, which were rejected in the final Office Action dated January 19, 2005. Those are

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the pending claims that are the subject of this Appeal and are set forth in the attached Appendix.

IV. STATUS OF AMENDMENTS

There are no amendments that have not been entered by the Examiner. The last amendment to the claims was made in the Amendment and Response which was filed on December 21, 2004.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 relates to a furnace assembly for heating an optical waveguide preform, the furnace assembly comprising a furnace including:

a muffle tube 110 defining a furnace passage 111, the furnace passage 111 having a length extending from a first end to a second end;

a top plate 120 mounted and resting on a terminal end of the muffle tube 110 at the second end and an central opening 122 defined in the top plate 120, said top plate 120 including a lower surface in contact with the terminal end and an upper surface opposite the lower surface; and

a heating device 118 operative to heat the furnace passage 111;

a process gas supply 150 providing a process gas to the furnace passage 111;

a handle 130 disposed in the furnace passage 111, said handle including a coupling portion 134 which is adapted to hold the waveguide preform 5 and the handle 130 extends through the exit opening;

a flow shield 160 positioned between the first and second ends and extending across the furnace passage 111 between the handle 130 and the muffle tube 110, the flow shield arranged and configured to restrict flow of the process gas from the first end to the second end of the furnace passage; and

a washer 174 mounted about the handle, contacting the upper surface of the top plate 120 and covering a portion of the central opening 122. (See Fig. 1 and page 4, line 25 through page 6, line 25.).

Claim 41 relates to a furnace assembly adapted to heat an optical fiber preform 5, comprising:

a muffle 110 tube defining a furnace passage 111, the passage including a length

extending from an inlet opening 112 at a first end to an outlet opening 114 at a second end, and a flange 116 on the second end,

a top plate 120 mounted on a top of the muffle tube 110 and covering the second end and the outlet opening 114 and including a central opening 122 therein, said top plate including a lower surface in contact with the flange and an upper surface opposed thereto,

a process gas supply 150 adapted to supply a process gas in the passage directed from the first end to the second end,

a handle 130 adapted to suspend the preform 5 within the passage,

a flow shield 160 positioned in the passage between the preform 5 and the second end and extending between the handle 130 and the muffle tube 110, wherein the flow shield 160 is configured to enable restriction of flow of the process gas, and

a washer 174 mounted about the handle 130 and in contact with the upper surface of the top plate 120 and covering a portion of the central opening 122 (Fig. 1 and page 4, line 25 through page 6, line 25).

Claim 42 relates to a furnace assembly adapted to heat an optical fiber preform, said assembly comprising:

a muffle tube 110 including a tubular body and a passage 111;

a top plate 120 having a lower surface mounted in contact with an end of the muffle tube 110 and an upper surface opposite the lower surface, the top plate 120 extending radially inward from the tubular body 110 and including a central opening 122 therein;

a gas supply 150 for supplying process gas to the passage;

a handle 130 traversing the central opening 122 in the top plate 120 and adapted to suspend the preform in the passage from a coupling portion 134 formed on a lower end of the handle 130;

a flow shield 160 positioned in the passage between the coupling portion 134 and the top plate 120, wherein the flow shield 160 is configured such that a radial peripheral edge of the flow shield 160 and a cylindrical inside surface of the muffle tube 110 form a marginal gap having a width of between 2.5 and 25 mm to enable restriction of the gas; and

a washer 174 positioned over the central opening 122 and in contact with the upper surface of the top plate 120, the handle 130 extending through the washer 174 wherein the washer 174 inhibits air entry into the passage (see Fig. 1 and page 4, line 25 through page 6, line 25).

Claim 47 relates to a furnace assembly for heating an optical waveguide preform, the furnace assembly comprising:

a furnace 100 including:

a muffle tube 110 defining a furnace passage 111, the furnace passage 111 having a length extending from a first end to a second end;

a top plate 120 mounted on a terminal end of the muffle tube 110 at the second end, said top plate 120 including a lower surface, an upper surface opposed to the first surface, and a central opening 122 defined in the top plate 120; and

a heating device 118 operative to heat the furnace passage;

a process gas supply 150 providing a process gas to the furnace passage 111;

a handle 130 disposed in the furnace passage 111, said handle 130 including a coupling portion 134 which is adapted to hold the waveguide preform 5 and the handle extends through the central opening 122;

a flow shield 160 positioned between the first and second ends and extending across the furnace passage 111 between the handle 130 and the muffle tube 110, the flow shield 160 arranged and configured to restrict flow of the process gas from the first end to the second end of the furnace passage 111; and

a plurality of washers 172, 174 mounted above the top plate 120 and about the handle 130 and covering a portion of the exit opening wherein at least one of the washers 174 is in contact with the top plate 120 and at least two of the washers are in contact with each other.
(See Fig. 1 and page 4, line 25 through page 6, line 25.)

Claim 48 relates to a furnace assembly, comprising:

a furnace 100 including:

a muffle tube 110 defining a furnace passage 111, the furnace passage having a length extending from a first end to a second end;

a top plate 120 mounted on top of the muffle tube 110 at the second end, the top plate having a central opening 122 formed therein; and

a heating device 118 operative to heat the furnace passage 111;

a process gas supply 150 providing a process gas to the furnace passage 111;

a handle 130 disposed in the furnace passage 111 and extending through the central opening 122, the handle 130 including a coupling portion 134;

a flow shield 160 mounted on the handle 130 and positioned between the first and

second ends and extending across the furnace passage 111 between the handle 130 and the muffle tube 110, the flow shield 160 arranged and configured to restrict flow of the process gas from the first end to the second end of the furnace passage;

a cylindrical spacer 162 mounted about the handle 130 and spacing the flow shield 160 from the coupling portion 134; and

a plurality of washers 172, 174 mounted above the top plate 120 and about the handle 130 and at least one washer 174 is in contact with the top plate 120 and is covering a portion of the central opening 122 and at least two of the plurality of washers 172, 174 are in contact with each other. (See Fig. 1 and page 4, line 25 through page 6, line 25.)

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The claims are currently rejected by the Patent Office as follows:

- 1) Claims 1-12, 38-43, and 47-48 are rejected under 35 U.S.C. §103(a) as being unpatentable over JP 2000-44269 (or Koaizawa 6,543,257) in view of Drouart 5931984, Kaiser 4030901, Ryoji JP 02212325, Gilbreath 6447017, Haney 4347069, and Collins 5408865.

VII. ARGUMENT

The rejection of claims 1-12, 38-43, and 47-48 under 35 U.S.C. §103(a) as being unpatentable over JP 2000-44269 (or Koaizawa 6,543,257) in view of Drouart 5931984, Kaiser 4030901, Ryoji JP 02212325, Gilbreath 6447017, Haney 4347069, and Collins 5408865 is improper

A proper *prima facie* showing of obviousness requires the examiner to satisfy three requirements. First, the prior art relied upon, coupled with knowledge generally available to one of ordinary skill in the art, must contain some suggestion which would have motivated the skilled artisan to combine references. See In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Second, the examiner must show that, at the time the invention was made, the proposed modification had a reasonable expectation of success. See Amgen v. Chugai Pharm. Co., 927 F.2d 1200, 1209, 18 USPQ2d 1016, 1023 (Fed. Cir. 1991). Finally, the combination of references must teach or suggest each and every limitation of the claimed invention. See In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

According to the Examiner, “Gilbreath, Haney and Collins are cited as evidence that o-rings and washers are equivalent sealing devices.” Applicants respectfully disagree that these three references indicate that o-rings and washers are “equivalent”.

Contrary to the Examiner’s assertions, none of the references cited by the Examiner expressly indicate that o-rings and/or washers are equivalents. Simply because two items are mentioned in the same sentence does not mean they are “equivalent”.

As further evidence that o-rings are not equivalent to washers, applicants submitted definitions of o-ring and washer from Websters Third New International Dictionary (copyright 1993). O-ring is defined as “a flat ring of synthetic rubber used as a gasket in sealing a joint against high pressures.” Washer is defined as “any of various flat thin rings or perforated plates (as of metal or leather) used in joints for assemblies to ensure tightness, prevent leakage, or relieve friction.” The definition of o-ring is consistent with the use of the o-ring in Koaizawa, i.e., as a sealing gasket. Clearly, a washer is not the equivalent of an o-ring, as a washer does not have to seal against high pressure.

According to the Examiner, “the invention as claimed is known as per Koaizawa Figure 1, in columns 3-4. However at column 4, lines 50-62 Koaizawa discloses an o-ring rather than the claimed washer. In view of the six secondary references, it would have been obvious to place a sealing washer over the Koaizawa plate since such is a known equivalent to an o-ring seal.” Thus, the Examiner, in his rejection of all of the claims of record, utilizes Fig. 1 as his primary reference and suggests that there is motivation in Koaizawa and the other prior art references to modify Fig. 1 of Koaizawa as defined by applicants claims. Applicants respectfully disagree.

First, as explained above, washers are not the equivalent of an o-ring seal. There is no teaching in any of the references cited that would motivate one of skill in the art to substitute a washer over the Koaizawa plate in replacement for the o-ring seal which is located in the shaft passage of Koaizawa. Further, applicants submit that, even if the references were combinable as the Examiner suggests, such a combination would not result in applicants’ claimed invention. In particular, the passage referred to by the Examiner in Koaizawa (column 4, line 50-62) indicates that “It has been proposed to perform the sealing by providing a seal member made of an o-ring in the elevating shaft passage of the upper lid 31 under which the elevating shaft 41 passes.” Note first that the language in this passage is consistent with the definition of O-ring, that is, the purpose of the ring is to seal against high

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pressures. One would not be motivated to substitute the washer for the o-ring, because the o-ring seals against high pressures, while washers do not. Also, if one were to substitute a washer for the o-ring in Koaizawa Figure 1 apparatus, that washer would have to be disposed within the shaft passage of the lid 31. However, rather than merely substituting a washer in the same location as the o-ring of Koaizawa, the Examiner is suggesting that it would have been obvious to place a sealing washer, not in the shaft passage of the upper lid as Koaizawa actually indicates, but over the Koaizawa plate. There is clearly no suggestion of placing either a washer or an o-ring in this location in Koaizawa.

Applicants submit that there is no motivation to supply a washer over the Koaizawa plate instead of the O-ring which is employed. Applicants' claim requires a washer mounted about the handle, contacting the upper surface of the top plate and covering a portion of the central opening. Even if, assuming arguendo, one would consider using a washer in place of the o-ring utilized by Koaizawa, substitution of that washer in place of the o-ring in Koaizawa would not result in applicants' invention.

In addition, it should be recognized that the intended function (reliable sealing) of Koaizawa would be destroyed if the modification proposed by the Examiner is adapted. The Examiner indicated that applicants did not provide evidence as to how the intended function of Koaizawa would be destroyed. Repeatedly throughout Koaizawa, upper lid is described as being reliably sealed (see, for example, column 7, lines 27-30 and 44-53, column 8, lines 25-33, column 16, lines 20-25, column 18, lines 40-58, and column 27, lines 43-50). Ryoji is a leaky system allowing some exhaust gas to exit around the washer.

The Examiner indicates that feature 5 in Koaizawa is the flow shield. Applicants respectfully disagree that feature 5 in Koaizawa can be construed to be a flow shield. A flow shield as that term is employed in applicants specification is a device which is arranged and configured to restrict flow of the process gas from the first end to the second end of the furnace passage (see for example, page 2, lines 10-11)

The perform holder 5 in Koaizama clearly does not extend across the furnace enough to restrict flow of the process gas, and in fact only serves to hold the optical fiber perform in place. The Examiner states that, alternatively, "Koaizawa teaches to have the same furnace as figure 1 with the shield of figures 3-4. See Col 19, line 28. In other words: altering the known figure 1 apparatus to include the shield 28 of figures 3-4." Applicants disagree that Col 19 line 28 suggests anything of the sort. In fact, what col 19, lines 25-30 actually

indicates is that in Fig 3 and 4, parts given the same reference numerals as the apparatus illustrated in Fig. 1 and 2 are the same as or similar to the parts illustrated in Fig. 1 and 2. There is no shield 28 shown in Fig. 1, so there is no suggestion in this passage to use a shield 28 in the apparatus shown in Fig. 1. In other words, with respect to the shield 28 in Fig. 3, there is no similar part in Fig. 1, so the passage referred to by the Examiner is irrelevant.

For all of the above reasons, it is submitted that claims 1, 41, 42, 47, and 48 are in condition for allowance.

With respect to claim 2, there is clearly no formation of an isolation chamber 102 between the preform holder 5 in Koaizama and the second end.

With respect to claim 3, there is clearly no mention or suggestion of maintaining a the gap between the peripheral edge and the muffle define a marginal gap between 2.5mm and 25mm. The Examiner indicates that “col. 24, lines 60-62 indicates that the means-cum-insulating means (of which 28 is one) is between 5-20 mm”. However, as explained above, there is clearly no suggestion of using element 28 in the apparatus disclosed in Fig 1, as the Examiner proposes in his rejection.

There is no mention of suggestion in the prior art cited of having the flow shield have a thickness of greater than 6mm, as defined by claim 4.

With respect to claim 5, there is no mention or suggestion in any of the references cited of having the handle extend through the top plate and the flow shield disposed between the coupling portion and the top plate. In fact, the Examiner actually takes the position in his rejection that the coupling portion is the flow shield. Coupling portion is defined in applicants' specification as the part that is arranged and configured to hold and suspend the optical fiber preform (see for example page 5, lines 5-7 of applicants' specification). Clearly that would equate to feature 5 in Koaizawa, as feature 5 clearly is configured to hold the preform. This clearly demonstrates the problem with this rejection, that is, the flow shield obviously cannot be positioned between itself and something else. Clearly, the preform holder in Koaizawa is not a flow shield.

With respect to claim 7, the Examiner indicates that we should see Fig. 10, but he does not indicate why one should see Fig. 10. Applicants respectfully submit that nothing in Fig 10 would motivate one of skill in the art to modify Fig.1 of Koaizawa to include a spacer which separates the flow shield from the coupling portion. In fact, in the Examiner's rejection, what the Examiner refers to as a flow shield is in fact a coupling portion, not a flow

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shield. Likewise with respect to claim 8, which further indicates that the spacing distance should be at least 50 mm. Applicants submit that one cannot space the perform holder 5 in Fig. 1 50 mm from itself.

With respect to claim 9, the Examiner indicates "see column 22, lines 18-19". Again, this passage refers to insulating means 28 in Fig. 6, and as explained above there is no motivation to use insulating means 28 in the Fig. 1 embodiment. Nor is there any mention of combining the teachings of the Fig. 6 embodiment with that of the prior art Fig. 1 embodiment.

With respect to claims 39-40, the Examiner indicates to "see Figure 20". Applicants have seen Fig. 20, and submit that there is nothing in Fig. 20 that suggests that Fig. 1 should be modified. Further, Fig. 20 lacks anything that could possibly be construed to be a top plate. Further, there does not appear to be either an o-ring or a top plate in Fig. 20.

For at least the reasons given above, Appellants assert that the Examiner has failed to make a *prima facie* case of obviousness, and that the Board should reverse the §103 rejection and find that claims 1-12, 38-43, and 47-48, are allowable over the prior art of record.

Conclusion

In conclusion, Appellants request a reversal of each of the grounds of rejection maintained by the Examiner and prompt allowance of the pending claims 1-12, 38-43, and 47-48.

Please charge the fees due under 37 C.F.R. § 1.17(c) to Deposit Account No. 03-3325. If there are any other fees due in connection with the filing of this Brief on Appeal, please charge the fees to our Deposit Account No. 03-3325. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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Dated: July 1, 2005

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Robert L. Carlson

VIII. CLAIMS APPENDIX

The claims on appeal are as follows:

1. **(rejected)** A furnace assembly for heating an optical waveguide preform, the furnace assembly comprising:

 a furnace including:

 a muffle tube defining a furnace passage, the furnace passage having a length extending from a first end to a second end;

 a top plate mounted and resting on a terminal end of the muffle tube at the second end and an central opening defined in the top plate, said top plate including a lower surface in contact with the terminal end and an upper surface opposite the lower surface; and

 a heating device operative to heat the furnace passage;

 a process gas supply providing a process gas to the furnace passage;

 a handle disposed in the furnace passage, said handle including a coupling portion which is adapted to hold the waveguide preform and the handle extends through the exit opening;

 a flow shield positioned between the first and second ends and extending across the furnace passage between the handle and the muffle tube, the flow shield arranged and configured to restrict flow of the process gas from the first end to the second end of the furnace passage; and

 a washer mounted about the handle, contacting the upper surface of the top plate and covering a portion of the central opening.

2. **(rejected)** The furnace assembly of Claim 1 wherein the flow shield defines an isolation chamber between the flow shield and the second end.

3. **(rejected)** The furnace assembly of Claim 1 wherein the flow shield has a peripheral edge adjacent the muffle, and the peripheral edge and the muffle define a marginal gap therebetween having a width of between about 2.5 mm and 25 mm.

4. **(rejected)** The furnace assembly of Claim 1 wherein the flow shield has a thickness

greater than about 6 mm.

5. **(rejected)** The furnace assembly of Claim 1 wherein:
the handle extends through the top plate at the second end of the passage; and
the flow shield is disposed between the coupling portion and the top plate.
6. **(rejected)** The furnace assembly of Claim 1 wherein the flow shield is coupled to the handle.
7. **(rejected)** The furnace assembly of Claim 1 wherein the handle includes a spacer longitudinally separating the flow shield from the coupling portion.
8. **(rejected)** The furnace assembly of Claim 7 wherein the spacer separates the flow shield from the preform a distance of at least 50 mm.
9. **(rejected)** The furnace assembly of Claim 1 wherein the flow shield is formed of at least one material selected from the group consisting of fused silica, fused quartz, ceramic, silicon carbide, ceramic coated fused silica, and ceramic coated fused quartz, and combinations thereof.
10. **(rejected)** The furnace assembly of Claim 1 wherein the handle is formed of at least one material selected from the group consisting of fused silica, fused quartz, ceramic, ceramic coated fused silica, and ceramic coated fused quartz, and combinations thereof.
11. **(rejected)** The furnace assembly of Claim 1 wherein the furnace is a waveguide preform holding furnace.
12. **(rejected)** The furnace assembly of Claim 1 wherein the furnace is a waveguide preform consolidation furnace.
13. **(withdrawn)** The furnace assembly of Claim 1 further comprising a second flow shield extending across the furnace passage between the handle and the muffle, the first and

second flow shields being arranged and configured to restrict flow of the process gas from the first end to the second end, wherein the second flow shield is spaced apart from the first flow shield along the length of the furnace passage.

14. **(withdrawn)** The furnace assembly of Claim 13 including a spacer positioned between the first and second flow shields.

15. **(withdrawn)** The furnace assembly of Claim 1 further comprising a second flow shield extending across the furnace passage between the handle and the muffle, the first and second flow shields being arranged and configured to restrict flow of the process gas from the first end to the second end, wherein the second flow shield is located substantially immediately adjacent the first flow shield.

16. **(withdrawn)** The furnace assembly of Claim 1 wherein:
the furnace includes an end wall;
the flow shield is spaced apart from the end wall and connected thereto by at least one connecting member; and
the handle is free to move relative to the flow shield.

17. **(withdrawn)** The furnace assembly of Claim 1 including a longitudinally extending shield collar extending from the flow shield toward one of the first and second ends, the shield collar including an outer surface facing the muffle, wherein the outer surface and the muffle define a lengthwise restrictive flow passage therebetween.

18. **(withdrawn)** The furnace assembly of Claim 17 wherein the restrictive flow passage has a gap dimension between the outer face and the muffle of between about 2.5 and 25 mm.

19. **(withdrawn)** The furnace assembly of Claim 17 wherein the restrictive passage has a length of between about 25 and 250 mm.

20. **(withdrawn)** The furnace assembly of Claim 17 including a longitudinally extending second shield collar disposed within the first shield collar and including an inner surface

facing the handle, wherein the inner surface and the handle define a lengthwise second restrictive passage therebetween.

21. **(withdrawn)** The furnace assembly of Claim 20 wherein the second restrictive passage has a gap width between the inner surface and the handle of between about 1 and 20 mm.

22. **(withdrawn)** The furnace assembly of Claim 20 wherein the second restrictive passage has a length of between about 25 and 250 mm.

23. **(withdrawn)** The furnace assembly of Claim 20 wherein:
the furnace includes an end wall and an exit opening defined in the end wall;
the handle extends through the exit opening; and
the second shield collar extends from the end wall into the furnace passage and surrounds the exit opening.

24. **(withdrawn)** The furnace assembly of Claim 1 wherein:
the furnace includes an end wall and an exit opening defined in the end wall; and
the flow shield comprises a shield collar extending from the end wall into the furnace passage and surrounding the exit opening.

25. **(withdrawn)** The furnace assembly of Claim 24 wherein the shield collar forms a lengthwise restrictive flow passage with at least one of the muffle and the handle.

26. **(withdrawn)** The furnace assembly of Claim 25 wherein the handle extends through the exit opening and the shield collar and the muffle define a first lengthwise restrictive flow passage therebetween and the shield collar and the handle define a second lengthwise restrictive flow passage therebetween.

27. **(canceled)**

28. **(canceled)**

29. **(withdrawn)** The furnace assembly of Claim 1 including:
a supply of a second process gas; and
a gas port in fluid communication with the second process gas supply and positioned to direct the second process gas into the furnace passage adjacent a side of the flow shield opposite the preform.
30. **(withdrawn)** The furnace assembly of Claim 29 wherein the first and second process gases are the same.
31. **(withdrawn)** The furnace assembly of Claim 30 wherein the first and second process gas supplies are the same.
32. **(withdrawn)** The furnace assembly of Claim 29 wherein the second process gas is selected from the group consisting of Ar, He, and N₂, and mixtures thereof.
33. **(withdrawn)** The furnace assembly of Claim 29 wherein the gas port is formed in the handle, the handle further comprising a handle passage extending through the handle and fluidly connecting the second process gas supply and the gas port.
34. **(withdrawn)** The furnace assembly of Claim 33 further comprising a second flow shield extending across the furnace passage between the handle and the muffle, the first and second flow shields being arranged and configured to restrict flow of the first process gas from the first end to the second end, wherein:
the second flow shield is spaced apart from the first flow shield along the length of the furnace passage; and
the gas port is positioned between the first and second flow shields.
35. **(withdrawn)** The furnace assembly of Claim 1 including a processing gas port in fluid communication with the process gas supply and positioned to direct the process gas into the furnace passage adjacent a side of the flow shield closest to the preform.

36. **(withdrawn)** The furnace assembly of Claim 1 wherein the handle is free to move relative to the flow shield and the muffle includes a ledge adapted to support the flow shield.

37. **(withdrawn)** The furnace assembly of Claim 35 wherein the process gas is selected from the group consisting of Cl₂, SiF₄, CF₄, SF₆, NF₃, GeCl₄, SiCl₄, POCl₃, BCl₃, BF₃, PCl₃, C₂F₆, and CO, and mixtures thereof.

38. **(rejected)** The furnace assembly of Claim 1 wherein the handle is movable relative to the muffle and the flow shield is mounted on the handle for movement therewith.

39. **(rejected)** The furnace assembly of Claim 38 including a drive assembly operable to translate the handle and the flow shield relative to the muffle.

40. **(rejected)** The furnace assembly of Claim 38 including a drive assembly operable to rotate the handle and the flow shield relative to the muffle.

41. **(rejected)** A furnace assembly adapted to heat an optical fiber preform, comprising:
a muffle tube defining a furnace passage, the passage including a length extending from an inlet opening at a first end to an outlet opening at a second end, and a flange on the second end,

a top plate mounted on a top of the muffle tube and covering the second end and the outlet opening and including a central opening therein, said top plate including a lower surface in contact with the flange and an upper surface opposed thereto,

a process gas supply adapted to supply a process gas in the passage directed from the first end to the second end,

a handle adapted to suspend the preform within the passage,

a flow shield positioned in the passage between the preform and the second end and extending between the handle and the muffle tube, wherein the flow shield is configured to enable restriction of flow of the process gas, and

a washer mounted about the handle and in contact with the upper surface of the top plate and covering a portion of the central opening.

42. **(rejected)** A furnace assembly adapted to heat an optical fiber preform, said assembly comprising:

a muffle tube including a tubular body and a passage;

a top plate having a lower surface mounted in contact with an end of the muffle tube and an upper surface opposite the lower surface, the top plate extending radially inward from the tubular body and including a central opening therein;

a gas supply for supplying process gas to the passage;

a handle traversing the central opening in the top plate and adapted to suspend the preform in the passage from a coupling portion formed on a lower end of the handle; and

a flow shield positioned in the passage between the coupling portion and the top plate, wherein the flow shield is configured such that a radial peripheral edge of the flow shield and a cylindrical inside surface of the muffle tube form a marginal gap having a width of between 2.5 and 25 mm to enable restriction of the gas; and

a washer positioned over the central opening and in contact with the upper surface of the top plate, the handle extending through the washer wherein the washer inhibits air entry into the passage.

43. **(canceled)**

44. **(withdrawn)** A method of manufacturing an optical fiber preform, comprising the steps of:

flowing a process gas in a furnace passage of a muffle tube from a first end to a second end, the furnace passage having the optical fiber preform mounted therein, and

restricting flow of the process gas using a flow shield positioned in the passage between the preform and the second end and extending between a handle and the muffle tube.

45. **(withdrawn)** The method of Claim 44 wherein the process gas is flowed through the muffle tube at a rate of no more than 30 slpm.

46. **(withdrawn)** The method of Claim 44 wherein the process gas is flowed through the muffle tube at a rate of no more than 10 slpm.

47. **(rejected)** A furnace assembly for heating an optical waveguide preform, the furnace assembly comprising:

a furnace including:

a muffle tube defining a furnace passage, the furnace passage having a length extending from a first end to a second end;

a top plate mounted on a terminal end of the muffle tube at the second end, said top plate including a lower surface, an upper surface opposed to the first surface, and a central opening defined in the top plate; and

a heating device operative to heat the furnace passage;

a process gas supply providing a process gas to the furnace passage;

a handle disposed in the furnace passage, said handle including a coupling portion which is adapted to hold the waveguide preform and the handle extends through the central opening;

a flow shield positioned between the first and second ends and extending across the furnace passage between the handle and the muffle tube, the flow shield arranged and configured to restrict flow of the process gas from the first end to the second end of the furnace passage; and

a plurality of washers mounted above the top plate and about the handle and covering a portion of the exit opening wherein at least one of the washers is in contact with the top plate and at least two of the washers are in contact with each other.

48. **(rejected)** A furnace assembly, comprising:

a furnace including:

a muffle tube defining a furnace passage, the furnace passage having a length extending from a first end to a second end;

a top plate mounted on top of the muffle tube at the second end, the top plate having a central opening formed therein; and

a heating device operative to heat the furnace passage;

a process gas supply providing a process gas to the furnace passage;

a handle disposed in the furnace passage and extending through the central opening, the handle including a coupling portion;

a flow shield mounted on the handle and positioned between the first and second ends

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and extending across the furnace passage between the handle and the muffle tube, the flow shield arranged and configured to restrict flow of the process gas from the first end to the second end of the furnace passage;

a cylindrical spacer mounted about the handle and spacing the flow shield from the coupling portion; and

a plurality of washers mounted above the top plate and about the handle and at least one washer is in contact with the top plate and is covering a portion of the central opening and at least two of the plurality of washers are in contact with each other.

IX. EVIDENCE APPENDIX

Definitions of o-ring and washer from Websters Third New International Dictionary (copyright 1993) were submitted with Applicant's amendment dated March 21, 2005.

Evidence was entered by the Examiner on March 29, 2005, as stated on the Advisory Action mailed March 31, 2005.

X. RELATED PROCEEDINGS APPENDIX

None

**Webster's
Third
New International
Dictionary**

**OF THE ENGLISH LANGUAGE
UNABRIDGED**



A GENUINE MERRIAM-WEBSTER

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WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY
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independent thought, direct insight, or constructive imagination : **CREATIVE**, **FERTILE**, **GERMINTIVE**, **INVENTIVE** (esteemed as an American co-*operator*) c : constituting the product or model from which copies are made (found the ~ manuscript, of which copies *were* current) *syn* see **NEW**
original bid n : first bid made in the auction in a card game — called also **opening bid**
original bill n : the initial bill of an equity proceeding not already before the court between the same parties standing in the same interests and consisting of a statement of the cause of complaint and petition for relief
original contract n : **SOCIAL CONTRACT**
original cost 2 : **HISTORICAL COST** 2 2 *in public utility practice* : the cost of a property to that owner who first devoted it to public service 3 *in real estate practice* : the cost of a property to a present owner regardless of cost to a prior owner
original gum n : the intact adhesive gum on a postage stamp considered as evidence of the stamp's mint condition — abbr. *O.G.* ; called also **full gum**
orig-i-nal-i-ty \o'rij(i)n-al'i-tē, -lātē, -lātē \ adj [F *originalité*, fr. *original*, adj + *-ité*] 1 *archaic* : the quality or state of being authentic or genuine 2 a : freshness of aspect or design : independence or newness of style or character (modern Brazilian architecture) b : full of ~ and, above all, vitality —William Tate 3 : the power of independent thought or perception : capacity for constructive imagination or significant innovation : creative ability (the directness of blunt truth and ... a bardic ~ and vigor —C.B.Taylor)
 3 a *patent law* : creation of a useful device, design, or process not before known or created b *copyright law* : novelty in the form of expression rather than in subject matter
original jurisdiction n : jurisdiction of first instance : authority of a court that takes cognizance of a controversy at the inception of legal proceedings therein
orig-i-nal-ly \o'rij(i)n'al-lē, -jinal-lē \ adv 1 *archaic* : by origin or derivation : from the first : **INHERENTLY** (power ~ the people's) 2 : in the beginning : in the first place : **INITIALLY**, **PRIMARY** 3 : in a fresh or original manner (rebinding of single books, demanding ... ~ designed covers —Edith Ditch)
original minor scale n : **NATURAL MINOR SCALE**
original package doctrine n : a doctrine whereby goods and commodities imported from one state of the U.S. into another or from a foreign country are usu. protected from being subject to the laws of the state of importation until sale is made by the importer so long as they are contained in the original unbroken individual package, container, or receptacle accepted from the shipper by the carrier and delivered in the same form to the importer
original process n : an original writ or summons issued by authority of a court as the foundation of and first step in lawsuit, including always a notice to the defendant when to appear to make his defense and often an order to arrest the defendant, seize or attach his property, or garnishee a claim due from a third person to the defendant or an order that the defendant do or refrain from doing a specified act or that an officer of the court do a specified act in connection with the suit — distinguished from **final process** and **mesne process**
original sin n [ME, trans. of ML *peccatum originale*] : hereditary sin or defect often held in Christian theology to be transmitted from one generation to the next and inherited by each person as a consequence of the original sinful choice made by the first man of the human race — compare **ACTUAL SIN**
originality n -s [LL *originarius* (pl.), fr. pl. of *originarius*, adj.] 1 : **ABORIGINAL**
orig-i-nan-ti \o'rij(i)n-an-tē, adj [origin + -ant] *archaic* : **ARISING**, **ORIGINATING**
orig-i-nar-y \o'rij(i)n-ärē \ adj [LL *originarius*, fr. L *origin-*, origo origin + *-arius* — more at **ORIGIN**] 1 obs : **NATIVE**, **ORIGINAL** 2 *archaic* : constituting a source or cause
2 originary n -s [LL *originarii* (pl.), fr. pl. of *originarius*, adj.] 1 : **ABORIGINAL**
orig-i-nate \o'rij(i)n-āt, usu. -āt \ vb -ED/-ING/-S [prob. back-formation fr. *origination*] vi 1 : to cause the beginning of : give rise to : **INITIATE** (have originated a mass of legend —Irish Digest) 2 : to start (a person or thing) on a course or journey (freight is originated at the dock) — vi : to take or have origin : be derived : **ARISE**, **BEGIN**, **START** (a retractor muscle that ~s on the body wall) (the train originated in Washington) *syn* see **SPRING**
originating company n : **DIRECT-WRITING COMPANY**
originating notice or **originating summons** n, Eng law : a notice of service of which begins legal proceeding — see **ADJOURNED SUMMONS**
orig-i-na-tion \o'rij(i)n-āshən\ n -s [LL *origination*, *originatio*, fr. *origin*, origo origin + *-atio*, *-atio* action] 1 obs : **DERIVATION**, **ETYMOLOGY** 2 : a coming into existence : **BEGINNING**, **RISE** (a custom that has its ~ far back in time) 3 : **ORIGIN** 3 4 : bringing into existence : **CREATION**, **INVENTION**, **MAKING**, **PRODUCTION** (a representative legislature with annual meetings and the ~ of laws —C.G.Bowers)
orig-i-na-tive \o'rij(i)n-ātiv\ adj : having ability to originate : **CREATIVE**, **FERTILE**, **INVENTIVE** (the very greatest and most remarkable ~ geniuses —H.S.Hartfield)
orig-i-na-tor \o'rij(i)n-ātōr\, -ātōr \ n -s : one that originates
orig-i-nist \o'rij(i)n-ist\, -ist \ n -s 1 obs a : **FOUNDER**, **ORIGINATOR** b : a historian of origins 2 : a theorist about origins
origin of coordinates [trans. of F *origine des coordonnées*] : the point of intersection of coordinate axes
ori-hon \o'rij(i)hōn\ n -s [Jap, prob. fr. ori fold + hon book, volume] : a strip of paper, papyrus, or vellum that is accordion-folded so as to divide the writing or printing which appears on one side into pages or columns and that sometimes has lace-on covers
ori-lon \o'rij(i)lōn\ or **oril-lion** \o'rij(i)lēn\ n -s [F *orillon*, lit. little ear, dim. of *oreille* ear, fr. L *aurecilia*, dim. of *aureis* ear — more at **EAR**] *archaic* : a projection built out at the corner of a bastion between flank and face from which to defend the flank
ori-nasal \o'ris, 'ɔrə-, 'ɔrē-+ adj [ori- + nasal] 1 : of or relating to the mouth and nose 2 : pronounced (as a French nasal vowel) through both mouth and nose
ori-ring \o'ri-ing\ n, usu cap O : a flat ring of synthetic rubber used as a gasket in sealing a joint against high pressures
ori-no-to crocodile \o'ri-nō-tō'kōdō\ n, usu cap O [fr. *Orinoco* river, Venezuela] : a ferocious, narrow-snouted crocodile (*Crocodylus intermedius*) of the Orinoco river and drainage basin
ori-old \o'rij(i)lōd\, 'ɔrōld\ n -s [F *oriot*, fr. OF, fr. ML *oryolus*, fr. L *aureolus* golden, dim. of *aureus* golden, fr. *aurum* gold; akin to Lith *aukštas* gold, Arm *os-k'* gold and prob. to *L aurora* dawn — more at **EAST**] 1 : any of various usu. brightly colored Old World birds constituting the family Oriolidae — see **FIG-BIRD**, **GOLDEN ORIOLE** 2 : any of various American birds of the family Icteridae 3 : **LEATHER** 4
ori-ol-i-dae \o'rij(i)dā\, 'ɔlōdā, '-dā\ n pl, cap [NL, fr. *Oriolus*, type genus (fr. ML *oryolus*) + -idae] : a family of passerine birds

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